

Exhibit 6

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Nicholas N. Paul in Support of Plaintiffs' Motion for Summary
Judgment as to Defendant Dey

CAUSE NO. GV002327

THE STATE OF TEXAS)	IN THE DISTRICT COURT
EX REL.)	
VEN-A-CARE OF THE)	
FLORIDA KEYS, INC.)	
)	
PLAINTIFFS,)	
)	
VS.)	TRAVIS COUNTY, TEXAS
)	
DEY, INC.; ROXANE)	
LABORATORIES, INC. AND)	
WARRICK PHARMACEUTICALS)	
CORPORATION,)	
)	
DEFENDANTS.)	53RD JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF

ROBERT FRANCIS MOZAK
VOLUME II
APRIL 30TH, 2002

ORAL AND VIDEOTAPED DEPOSITION OF

ROBERT FRANCIS MOZAK, PRODUCED AS A WITNESS AT THE
INSTANCE OF THE STATE OF TEXAS AND DULY SWORN, WAS
TAKEN IN THE ABOVE-STYLED AND NUMBERED CAUSE ON THE
30TH OF APRIL, 2002, FROM 9:09 A.M. TO 5:02 P.M.,
BEFORE DEBRA L. SIETSMA, CSR IN AND FOR THE STATE OF
TEXAS, REPORTED BY MACHINE SHORTHAND, AT COUDERT
BROTHERS, 600 BEACH STREET, SAN FRANCISCO, CALIFORNIA,
PURSUANT TO THE TEXAS RULES OF CIVIL PROCEDURE AND THE
PROVISIONS AS PREVIOUSLY SET FORTH.

1 THE WHOLESALERS.

2 Q. IT'S NOT A NET PRICE, IS IT?

3 A. NO.

4 Q. IT DOESN'T REFLECTS ADJUSTMENTS FOR
5 CHARGEBACKS, REBATES OR OTHER FACTORS THAT HAVE THE
6 EFFECT OF REDUCING THE ACTUAL NET COST TO THE
7 WHOLESALER TO ACQUIRE THE PRODUCT?

8 A. NO.

9 Q. HOW DOES DEY DECIDE WHAT FIGURE TO REPORT AS
10 ITS WAC?

11 A. THE WAC IS ESTABLISHED BASED UPON THE
12 COMPETITIVE MARKET AT THE TIME OF LAUNCH, AND WHATEVER
13 THAT FIGURE MIGHT BE IS THE FIGURE THAT BECOMES THE
14 WAC PRICE.

15 Q. AND IT'S SUBJECT TO ADJUSTMENT FLUCTUATION
16 DEPENDING UPON THE MARKETPLACE?

17 A. YES. WE HAVE HISTORICALLY LOWERED OUR WAC
18 PRICE AS THE MARKET PRICE CAME -- WAS LOWERED AS --
19 OVER TIME, SO WE'VE ADJUSTED OUR WAC PRICE ACCORDINGLY
20 IN A DOWNWARD MANNER.

21 Q. SO IT CAN GO DOWN. IT CAN ALSO GO UP, CAN'T
22 IT?

23 A. IT COULD GO UP. IT NORMALLY -- OR IT DIDN'T
24 GO UP IN -- IN THE CASE OF MOST OF OUR PRODUCTS EXCEPT
25 IN ONE INSTANCE.